

LOCAL BOUNDARY COMMISSION

In the Matter of the Petition)
for Annexation of Territory)
to the Haines Borough)

The Department of Community and Regional Affairs, received, on January 14, 1974, a petition of the Haines Borough requesting that adjacent territory situated south of the Borough's present boundaries be annexed to that municipality. The petition was offered pursuant to AS 44.19.260 and 19 AAC 05.010-19 AAC 05.140 whereby proceedings for annexation of territory may be initiated through petition to the Local Boundary Commission and, upon favorable recommendation, subsequent Legislative review.

Staff of the Department completed a review of the petition, together with supporting documents, and prepared and submitted a report to the Local Boundary Commission on February 28, 1974.

At the direction of the Commission, the Department scheduled a public hearing and provided notice in compliance with AS 44.19.290 and 19 AAC 10.090. The hearing was held as noticed at 7:30 p.m., March 8, 1974, in Haines, Alaska. Following the hearing, the Commission ordered the record left open until March 27, 1974, to receive additional comments; a duly noticed decisional meeting was conducted at Fairbanks, Alaska on April 26, 1974, and all evidence was then considered.

FINDINGS

Having considered the written record established and maintained by the Department of Community and Regional Affairs, testimony rendered at the public hearing and

other comments submitted subsequent to the March 8, 1974, public hearing, the Local Boundary Commission finds:

(1) The petition filed herein for the annexation of adjacent and contiguous territory to the Haines Borough is in the form prescribed by the Department of Community and Regional Affairs and is in compliance with the requirements of 19 AAC 10.010-19 AAC 10.060.

(2) The petition herein has been reviewed by the Department of Community and Regional Affairs in compliance with 19 AAC 10.070 and the Department has conducted an investigation and prepared a report in compliance with 19 AAC 10.120.

(3) That the territory proposed for annexation is contiguous to the present corporate boundaries of the Haines Borough, an organized borough of the third class, as required by 19 AAC 05.110.

(4) That there is likelihood that future growth and development of the Haines Borough will occur within the territory and annexation of the territory will enable the Borough to assist in meeting burdens and receiving benefits of that development, notwithstanding the fact that the Haines Borough as a borough of the third class is precluded from formally engaging in the function of planning, platting and zoning. Additionally, the Commission finds that the anticipated economic growth in the territory, particularly as relates to the forest and fishing industries, is inextricably tied to the economy of the Haines Borough making it necessary that that municipality be involved in the planning and control of future economic growth in the territory.

(5) That the annexation serves to accomplish a valid public purpose in that the tie between fish products taken by Haines residents and delivered to the Excursion Inlet Packing Company and the recovery of timber products from the National Forest unit for processing within the Haines Borough provides significant economic ties between the territory and the Borough and that the Borough, through loss of raw fish tax receipts and non-return of stumpage fees, is being denied

revenues which it, as the regional entity responsible for provision of governmental services, should be receiving.

(6) That inclusion of the territory within the Haines Borough would more fully allow that municipality to meet standards for formation of a borough in that the new boundaries to be established would more closely approximate "natural geography," altering the geographical southern boundary of the Haines Borough, an arbitrary line extending east and west bisecting the Chilkat Peninsula, a natural geographic part of the Haines Borough.

DECISION

It is the decision of the Local Boundary Commission that, from the report of the Department of Community and Regional Affairs, record of hearing, and comments received during the public hearing and prior to the closing of the record, the petition to annex territory to the Haines Borough meets the standards set forth in 19 AAC 05.110(a) (4) and (8) and 19 AAC 05.140 and is therefore accepted.

Accordingly, the Commission orders the Department of Community and Regional Affairs to prepare a recommendation, to be submitted in accordance with AS 44.19.260, to the First Session of the Ninth State Legislature, recommending that the boundary of the Haines Borough be amended to read as follows:

Beginning at Eldred Rock Light at Latitude $58^{\circ}58.3'N$ and Longitude $135^{\circ}13.2'W$; thence in a straight line east to Mt. Nesselrode, Boundary Peak No. 98 at Latitude $58^{\circ}57'44.96''W$ and Longitude $134^{\circ}18'42.03''W$; thence northerly at the Alaska-Canada Boundary line on a meander line to Mt. Bagot at Latitude $59^{\circ}21'N$ and Longitude $135^{\circ}2'W$; thence due west on a straight line to a point in the center of Lynn Canal on Taiya Inlet at approximately Latitude $59^{\circ}21'N$ and Longitude $135^{\circ}22.5'W$; thence northwesterly to Monument No. 124 on the Alaska-Canada Boundary at Latitude $59^{\circ}44'N$ and Longitude $135^{\circ}43'W$; thence in a meandering westerly line following the Alaska-Canada Boundary to Mt. Harris; thence in a southeasterly and then southerly manner along the Glacier Bay National Monument Boundary to a point due north of Porpoise Island Light

at Latitude $58^{\circ}19.3'N$ and Longitude $135^{\circ}27.6'W$; thence south to Porpoise Island at Latitude $58^{\circ}19.3'N$ and Longitude $135^{\circ}27.6'W$; thence southeasterly to the southern tip of the Sisters Islands at Latitude $58^{\circ}10.6'N$ and Longitude $135^{\circ}10'W$; thence southeasterly to Hanus Reef at Latitude $58^{\circ}57.8'N$ and Longitude $134^{\circ}51'W$; thence north to a point midway between Lincoln Island on the east and the mainland on the west, at Latitude $58^{\circ}30'N$ and Longitude $135^{\circ}4'15''W$; thence north paralleling the boundary of the City and Borough of Juneau to Eldred Rock Light the point of beginning, containing 2,620 square miles more or less.


Save and excepting therefrom the lands comprising Klukwan Indian Reservation established by Executive Order numbered 1764 dated April 21, 1913 and amended as to the boundaries thereof by Executive Order numbered 3673 dated May 15, 1922 and further amended by the Act of September 2, 1957, Public Law 85-271, 71 Stat. 596, particularly described as follows: Lots 1, 2, and 3 of Section 32; all of the north one-half of Section 33, Lots 1, 2, 3 and 4 of the south one-half of Section 33; Lots 1 and 2 and the northeast one-quarter of the southwest one-quarter of Section 34, Township 28 South, Range 56 East, CRM Alaska, (and Lots 2, 3 and 4 of Section 5, and Lots 1 and 9 of Section 6, Township 29 South, Range 57 East, Copper River Meridian.) Also the base proper of the Petroleum Distribution Office, Haines Terminal and Pumping Station so long as it remains a military installation. When the Petroleum Distribution Office, Haines Terminal and Pumping Station is no longer a military reservation, it shall become a part of the Haines Borough.

Pursuant to AS 44.19.260 and Article X, Section 12 of the Alaska State Constitution the recommendation becomes effective 45 days after submission unless earlier disapproved by a joint resolution concurred in by a majority of the members of each house.

These findings and statement of decision are adopted this 26th day of April, 1974, at Fairbanks, Alaska.

Dated this 15 day of May, 1974.

LOCAL BOUNDARY COMMISSION
STATE OF ALASKA


Kenneth Jensen, Chairman